

EXHIBIT D

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15 **UNITED STATES DISTRICT COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA**
17 **SAN FRANCISCO DIVISION**

18 MAXIMILIAN KLEIN, et al.,

19 Plaintiffs,

20 vs.

META PLATFORMS, INC.,

21 Defendant.

22 This Document Relates To: All Actions

23 Consolidated Case No. 3:20-cv-08570-JD

24 The Hon. James Donato

25 **CONSUMER PLAINTIFFS' RESPONSES
26 AND OBJECTIONS TO DEFENDANT
27 META PLATFORMS, INC.'S SECOND
28 SET OF INTERROGATORIES**

<u>Statement No.</u>	<u>Reason Statement or Omission Deceptive or False</u>
	CONSUMER-FB-0000001254 at CONSUMER-FB-0000001255; CONSUMER-FB-0000001852–CONSUMER-FB-0000001853.

Because Consumer Plaintiffs have not yet completed their investigation, Facebook has not yet substantially begun its document production, fact discovery is ongoing, and expert discovery has not yet begun, Consumer Plaintiffs reserve the right to amend or supplement this response.

INTERROGATORY NO. 9:

For each statement or omission You identified in Your response to Interrogatory No. 6, identify which firms would have entered or exerted increased competitive pressure in the alleged Social Media Market or alleged Social Network Market but did not because of (in full or in part) the statement or omission, either alone or in combination with other statements or omissions identified in Your response to Interrogatory No. 6.

RESPONSE TO INTERROGATORY NO. 9:

Consumer Plaintiffs object to this Interrogatory on the grounds set forth in detail above in their General Objections. Consumer Plaintiffs further object to this Interrogatory on the grounds that, by seeking information regarding “[f]or each statement or omission . . . which firms would have entered or exerted increased competitive pressure . . . but did not because of (in full or in part) the statement or omission,” the Interrogatory seeks information concerning subject matters that are not relevant to any party’s claims or defenses in this case. Consumer Plaintiffs further object to this Interrogatory on the grounds and to the extent that due to Facebook’s definition of “You” and “Your,” the Interrogatory consequently (a) seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence; (b) purports to require Consumer Plaintiffs to search for and provide information that is not in their possession, custody, or control and/or to which Consumer Plaintiffs do not have access; and (c) includes Consumer Plaintiffs’ legal counsel and attorneys and seeks to discover documents, data, or information protected by the attorney-client privilege, work product doctrine, the common interest privilege, and/or other investigative

1 privileges or protections. Consumer Plaintiffs further object to this Interrogatory to the extent that
 2 the Interrogatory seeks information protected by the attorney-client privilege, common interest
 3 privilege, or work product doctrine, or that is otherwise privileged or protected from discovery.
 4 Consumer Plaintiffs further object to this Interrogatory to the extent that the Interrogatory seeks
 5 information that calls for an ultimate legal conclusion.

6 Consumer Plaintiffs further object to this Interrogatory on the grounds that by seeking
 7 information regarding “which firms would have entered or exerted increased competitive pressure
 8 . . . but did not,” the Interrogatory is premature. Fact discovery is ongoing, Consumer Plaintiffs’
 9 investigation is continuing, Facebook has not yet substantially begun its production of documents
 10 in response to Consumer Plaintiffs’ document requests, and class and merits expert discovery is not
 11 set to commence until January 27, 2023, and August 4, 2023, respectively. Similarly, Consumer
 12 Plaintiffs further object to this Interrogatory on the grounds and to the extent that it is an improper
 13 “contention” interrogatory. Such a contention interrogatory is premature because fact discovery is
 14 ongoing, Consumer Plaintiffs’ investigation is continuing, and Facebook has not yet substantially
 15 begun its production of documents in response to Consumer Plaintiffs’ document requests.

16 Consumer Plaintiffs further object to this Interrogatory to the extent that the Interrogatory
 17 seeks information that will necessarily be the subject of expert testimony and analysis. Consumer
 18 Plaintiffs will make expert disclosures and produce their expert reports pursuant to the schedule for
 19 expert discovery set by the Court.

20 Consumer Plaintiffs will meet-and-confer with Facebook regarding the timing of any
 21 response, the subject matters covered by this Interrogatory, and the Interrogatory’s scope.
 22

23 **INTERROGATORY NO. 10:**

24 For each statement or omission You identified in Your response to Interrogatory No. 6,
 25 identify and describe in full and complete detail each feature or activity that Meta and any other
 26 firms identified in Your responses to Interrogatory Nos. 1, 2, and 9 would have introduced on their
 27 Products and made available to users in the alleged Social Media Market or alleged Social Network
 28

1 Market but did not because of (in full or in part) the statement or omission, either alone or in
 2 combination with other statements or omissions identified in Your response to Interrogatory No. 6.
 3

4 **RESPONSE TO INTERROGATORY NO. 10:**

5 Consumer Plaintiffs object to this Interrogatory on the grounds set forth in detail above in
 6 their General Objections. Consumer Plaintiffs further object to this Interrogatory on the grounds
 7 that, by seeking information regarding “[f]or each statement or omission” which “feature or activity
 8 . . . Meta and any other firms . . . would have introduced . . . and made available . . . but did not
 9 because of (in full or in part) the statement or omission,” the Interrogatory seeks information
 10 concerning subject matters that are not relevant to any party’s claims or defenses in this case.
 11 Consumer Plaintiffs further object to this Interrogatory on the grounds and to the extent that due to
 12 Facebook’s definition of “You” and “Your,” the Interrogatory consequently (a) seeks irrelevant
 13 information not reasonably calculated to lead to the discovery of admissible evidence; (b) purports
 14 to require Consumer Plaintiffs to search for and provide information that is not in their possession,
 15 custody, or control and/or to which Consumer Plaintiffs do not have access; and (c) includes
 16 Consumer Plaintiffs’ legal counsel and attorneys and seeks to discover documents, data, or
 17 information protected by the attorney-client privilege, work product doctrine, the common interest
 18 privilege, and/or other investigative privileges or protections. Consumer Plaintiffs further object to
 19 this Interrogatory to the extent that the Interrogatory seeks information protected by the attorney-
 20 client privilege, common interest privilege, or work product doctrine, or that is otherwise privileged
 21 or protected from discovery. Consumer Plaintiffs further object to this Interrogatory to the extent
 22 that the Interrogatory seeks information that calls for an ultimate legal conclusion.

23 Consumer Plaintiffs further object to this Interrogatory on the grounds that the Interrogatory
 24 is compound and comprised of multiple Interrogatories.

25 Consumer Plaintiffs further object to this Interrogatory on the grounds that by seeking
 26 information regarding “each feature or activity that Meta and any other firms . . . would have
 27 introduced on their Products and made available to users in the alleged Social Media Market or
 28 alleged Social Network Market but did not,” the Interrogatory is premature. Fact discovery is

1 ongoing, Consumer Plaintiffs' investigation is continuing, Facebook has not yet substantially begun
 2 its production of documents in response to Consumer Plaintiffs' document requests, and class and
 3 merits expert discovery is not set to commence until January 27, 2023, and August 4, 2023,
 4 respectively. Similarly, Consumer Plaintiffs further object to this Interrogatory on the grounds and
 5 to the extent that it is an improper "contention" interrogatory, including to the extent it purports to
 6 require Consumer Plaintiffs to "describe in full and complete detail each feature or activity that Meta
 7 and any other firms . . . would have introduced . . . but did not because of (in full or in part) the
 8 statement or omission." Such a contention interrogatory is premature because fact discovery is
 9 ongoing, Consumer Plaintiffs' investigation is continuing, and Facebook has not yet substantially
 10 begun its production of documents in response to Consumer Plaintiffs' document requests.

11 Consumer Plaintiffs further object to this Interrogatory to the extent that the Interrogatory
 12 seeks information that will necessarily be the subject of expert testimony and analysis. Consumer
 13 Plaintiffs will make expert disclosures and produce their expert reports pursuant to the schedule for
 14 expert discovery set by the Court.

15 Consumer Plaintiffs will meet-and-confer with Facebook regarding the timing of any
 16 response, the subject matters covered by this Interrogatory, and the Interrogatory's scope.

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18 **INTERROGATORY NO. 11:**

19 For each statement or omission You identified in Your response to Interrogatory No. 6,
 20 describe in full and complete detail the "data privacy practices," User Complaint ¶ 226, that Meta
 21 and any other firms identified in Your responses to Interrogatory Nos. 1, 2, and 9 would have
 22 maintained in the alleged Social Media Market or alleged Social Network Market but did not
 23 because of (in full or in part) the statement or omission, either alone or in combination with other
 24 statements or omissions identified in Your response to Interrogatory No. 6.

25

26 **RESPONSE TO INTERROGATORY NO. 11:**

27 Consumer Plaintiffs object to this Interrogatory on the grounds set forth in detail above in
 28 their General Objections. Consumer Plaintiffs further object to this Interrogatory on the grounds

1 that, by seeking information regarding “[f]or each statement or omission . . . the ‘data privacy
 2 practices,’ . . . that Meta and any other firms . . . would have maintained . . . but did not because of
 3 (in full or in part) the statement or omission,” the Interrogatory seeks information concerning subject
 4 matters that are not relevant to any party’s claims or defenses in this case. Consumer Plaintiffs
 5 further object to this Interrogatory on the grounds and to the extent that due to Facebook’s definition
 6 of “You” and “Your,” the Interrogatory consequently (a) seeks irrelevant information not reasonably
 7 calculated to lead to the discovery of admissible evidence; (b) purports to require Consumer
 8 Plaintiffs to search for and provide information that is not in their possession, custody, or control
 9 and/or to which Consumer Plaintiffs do not have access; and (c) includes Consumer Plaintiffs’ legal
 10 counsel and attorneys and seeks to discover documents, data, or information protected by the
 11 attorney-client privilege, work product doctrine, the common interest privilege, and/or other
 12 investigative privileges or protections. Consumer Plaintiffs further object to this Interrogatory to
 13 the extent that the Interrogatory seeks information protected by the attorney-client privilege,
 14 common interest privilege, or work product doctrine, or that is otherwise privileged or protected
 15 from discovery. Consumer Plaintiffs further object to this Interrogatory to the extent that the
 16 Interrogatory seeks information that calls for an ultimate legal conclusion.

17 Consumer Plaintiffs further object to this Interrogatory on the grounds that the Interrogatory
 18 is compound and comprised of multiple Interrogatories.

19 Consumer Plaintiffs further object to this Interrogatory on the grounds that by seeking
 20 information regarding “the ‘data privacy practices’ . . . that Meta and other firms . . . would have
 21 maintained in the alleged Social Media Market or alleged Social Network Market but did not,” the
 22 Interrogatory is premature. Fact discovery is ongoing, Consumer Plaintiffs’ investigation is
 23 continuing, Facebook has not yet substantially begun its production of documents in response to
 24 Consumer Plaintiffs’ document requests, and class and merits expert discovery is not set to
 25 commence until January 27, 2023, and August 4, 2023, respectively. Similarly, Consumer Plaintiffs
 26 further object to this Interrogatory on the grounds and to the extent that it is an improper
 27 “contention” interrogatory, including to the extent it purports to require Consumer Plaintiffs to
 28 “describe in full and complete detail the ‘data privacy practices’ that Meta and any other firms . . .

1 would have maintained in the alleged Social Media Market or alleged Social Network Market but
 2 did not because of (in full or in part) the statement or omission.” Such a contention interrogatory is
 3 premature because fact discovery is ongoing, Consumer Plaintiffs’ investigation is continuing, and
 4 Facebook has not yet substantially begun its production of documents in response to Consumer
 5 Plaintiffs’ document requests.

6 Consumer Plaintiffs further object to this Interrogatory to the extent that the Interrogatory
 7 seeks information that will necessarily be the subject of expert testimony and analysis. Consumer
 8 Plaintiffs will make expert disclosures and produce their expert reports pursuant to the schedule for
 9 expert discovery set by the Court.

10 Consumer Plaintiffs will meet-and-confer with Facebook regarding the timing of any
 11 response, the subject matters covered by this Interrogatory, and the Interrogatory’s scope.

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13 **INTERROGATORY NO. 12:**

14 For each statement or omission You identified in Your response to Interrogatory No. 6,
 15 describe in full and complete detail each change in “application quality,” User Complaint ¶ 226, that
 16 Meta and any other firms identified in Your responses to Interrogatory Nos. 1, 2, and 9 would have
 17 made in the alleged Social Media Market or alleged Social Network Market but did not because of
 18 (in full or in part) the statement or omission, either alone or in combination with other statements or
 19 omissions identified in Your response to Interrogatory No. 6.

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21 **RESPONSE TO INTERROGATORY NO. 12:**

22 Consumer Plaintiffs object to this Interrogatory on the grounds set forth in detail above in
 23 their General Objections. Consumer Plaintiffs further object to this Interrogatory on the grounds
 24 that, by seeking information regarding “[f]or each statement or omission . . . each change in
 25 ‘application quality,’ . . . that Meta and any other firms . . . would have made . . . but did not because
 26 of (in full or in part) the statement or omission,” the Interrogatory seeks information concerning
 27 subject matters that are not relevant to any party’s claims or defenses in this case.

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1 Consumer Plaintiffs further object to this Interrogatory on the grounds and to the extent that
 2 due to Facebook's definition of "You" and "Your," the Interrogatory consequently (a) seeks
 3 irrelevant information not reasonably calculated to lead to the discovery of admissible evidence; (b)
 4 purports to require Consumer Plaintiffs to search for and provide information that is not in their
 5 possession, custody, or control and/or to which Consumer Plaintiffs do not have access; and (c)
 6 includes Consumer Plaintiffs' legal counsel and attorneys and seeks to discover documents, data, or
 7 information protected by the attorney-client privilege, work product doctrine, the common interest
 8 privilege, and/or other investigative privileges or protections. Consumer Plaintiffs further object to
 9 this Interrogatory to the extent that the Interrogatory seeks information protected by the attorney-
 10 client privilege, common interest privilege, or work product doctrine, or that is otherwise privileged
 11 or protected from discovery. Consumer Plaintiffs further object to this Interrogatory to the extent
 12 that the Interrogatory seeks information that calls for an ultimate legal conclusion.

13 Consumer Plaintiffs further object to this Interrogatory on the grounds that the Interrogatory
 14 is compound and comprised of multiple Interrogatories.

15 Consumer Plaintiffs further object to this Interrogatory on the grounds that by seeking
 16 information regarding "each change in 'application quality,' . . . that Meta and other firms . . . would
 17 have made in the alleged Social Media Market or alleged Social Network Market but did not," the
 18 Interrogatory is premature. Fact discovery is ongoing, Consumer Plaintiffs' investigation is
 19 continuing, Facebook has not yet substantially begun its production of documents in response to
 20 Consumer Plaintiffs' document requests, and class and merits expert discovery is not set to
 21 commence until January 27, 2023, and August 4, 2023, respectively. Similarly, Consumer Plaintiffs
 22 further object to this Interrogatory on the grounds and to the extent that it is an improper
 23 "contention" interrogatory, including to the extent it purports to require Consumer Plaintiffs to
 24 "describe in full and complete detail each change in 'application quality[.]" Such a contention
 25 interrogatory is premature because fact discovery is ongoing, Consumer Plaintiffs' investigation is
 26 continuing, and Facebook has not yet substantially begun its production of documents in response
 27 to Consumer Plaintiffs' document requests.

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1 Consumer Plaintiffs further object to this Interrogatory to the extent that the Interrogatory
 2 seeks information that will necessarily be the subject of expert testimony and analysis. Consumer
 3 Plaintiffs will make expert disclosures and produce their expert reports pursuant to the schedule for
 4 expert discovery set by the Court.

5 Consumer Plaintiffs will meet-and-confer with Facebook regarding the timing of any
 6 response, the subject matters covered by this Interrogatory, and the Interrogatory's scope.

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8 **INTERROGATORY NO. 13:**

9 For each feature or activity available to users on each Meta Product that is a Participant in
 10 your alleged "Social Network Market," state whether the feature or activity is or is not within your
 11 alleged "Social Network Market."

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13 **RESPONSE TO INTERROGATORY NO. 13:**

14 Consumer Plaintiffs object to this Interrogatory on the grounds set forth in detail above in
 15 their General Objections. Consumer Plaintiffs further object to this Interrogatory on the grounds
 16 that the undefined terms "feature or activity" render the Interrogatory vague and ambiguous as to
 17 the sorts of information being sought. Consumer Plaintiffs further object to this Interrogatory on
 18 the grounds that the Interrogatory is compound and comprised of multiple Interrogatories.

19 Consumer Plaintiffs further object to this Interrogatory on the grounds that it seeks
 20 information that is not relevant to any party's claims or defenses in this case.

21 Consumer Plaintiffs further object to this Interrogatory on the grounds that by seeking
 22 information regarding "each feature or activity available to users on each Meta product," the
 23 Interrogatory seek information that is not in Consumer Plaintiffs' possession, custody, or control at
 24 this time and/or is more available or accessible to Facebook. Facebook knows the full scope of
 25 "feature[s]" and "activit[ies]" it makes "available to users on each Meta Product[.]"

26 Consumer Plaintiffs further object to this Interrogatory on the grounds that by seeking
 27 information regarding "each feature or activity available to users on each Meta product" and
 28 "whether the feature or activity is or is not within" the Social Network Market, the Interrogatory is

1 premature. Fact discovery is ongoing, Consumer Plaintiffs' investigation is continuing, Facebook
 2 has not yet substantially begun its production of documents in response to Consumer Plaintiffs'
 3 document requests, and class and merits expert discovery is not set to commence until January 27,
 4 2023, and August 4, 2023, respectively. Similarly, Consumer Plaintiffs further object to this
 5 Interrogatory on the grounds and to the extent that it is an improper "contention" interrogatory.
 6 Such a contention interrogatory is premature because fact discovery is ongoing, Consumer
 7 Plaintiffs' investigation is continuing, and Facebook has not yet substantially begun its production
 8 of documents in response to Consumer Plaintiffs' document requests. Consumer Plaintiffs further
 9 object to this Interrogatory to the extent it presupposes that a "feature or activity is or is not within"
 10 an alleged relevant market.

11 Consumer Plaintiffs further object to this Interrogatory to the extent that the Interrogatory
 12 seeks information that will necessarily be the subject of expert testimony and analysis. Consumer
 13 Plaintiffs will make expert disclosures and produce their expert reports pursuant to the schedule for
 14 expert discovery set by the Court.

15 Consumer Plaintiffs further object to this Interrogatory to the extent that the Interrogatory
 16 seeks information protected by the attorney-client privilege, common interest privilege, or work
 17 product doctrine, or that is otherwise privileged or protected from discovery. Consumer Plaintiffs
 18 further object to this Interrogatory to the extent that the Interrogatory seeks information that calls
 19 for an ultimate legal conclusion.

20 Consumer Plaintiffs will meet-and-confer with Facebook regarding the timing of any
 21 response, the subject matters covered by this Interrogatory, and the Interrogatory's scope.

22

23 **INTERROGATORY NO. 14:**

24 For each feature or activity available to users on each Meta Product that is a Participant in
 25 your alleged "Social Media Market," state whether the feature or activity is or is not within your
 26 alleged "Social Media Market."

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1 **RESPONSE TO INTERROGATORY NO. 14:**

2 Consumer Plaintiffs object to this Interrogatory on the grounds set forth in detail above in
 3 their General Objections. Consumer Plaintiffs further object to this Interrogatory on the grounds
 4 that the undefined terms “feature or activity” render the Interrogatory vague and ambiguous as to
 5 the sorts of information being sought. Consumer Plaintiffs further object to this Interrogatory on
 6 the grounds that the Interrogatory is compound and comprised of multiple Interrogatories.

7 Consumer Plaintiffs further object to this Interrogatory on the grounds that it seeks
 8 information that is not relevant to any party’s claims or defenses in this case.

9 Consumer Plaintiffs further object to this Interrogatory on the grounds that by seeking
 10 information regarding “each feature or activity available to users on each Meta product,” the
 11 Interrogatory seek information that is not in Consumer Plaintiffs’ possession, custody, or control at
 12 this time and/or is more available or accessible to Facebook. Facebook knows the full scope of
 13 “feature[s]” and “activit[ies]” it makes “available to users on each Meta Product[.]”

14 Consumer Plaintiffs further object to this Interrogatory on the grounds that by seeking
 15 information regarding “each feature or activity available to users on each Meta product” and
 16 “whether the feature or activity is or is not within” the Social Media Market, the Interrogatory is
 17 premature. Fact discovery is ongoing, Consumer Plaintiffs’ investigation is continuing, Facebook
 18 has not yet substantially begun its production of documents in response to Consumer Plaintiffs’
 19 document requests, and class and merits expert discovery is not set to commence until January 27,
 20 2023, and August 4, 2023, respectively. Similarly, Consumer Plaintiffs further object to this
 21 Interrogatory on the grounds and to the extent that it is an improper “contention” interrogatory.
 22 Such a contention interrogatory is premature because fact discovery is ongoing, Consumer
 23 Plaintiffs’ investigation is continuing, and Facebook has not yet substantially begun its production
 24 of documents in response to Consumer Plaintiffs’ document requests. Consumer Plaintiffs further
 25 object to this Interrogatory to the extent it presupposes that a “feature or activity is or is not within”
 26 an alleged relevant market.

27 Consumer Plaintiffs further object to this Interrogatory to the extent that the Interrogatory
 28 seeks information that will necessarily be the subject of expert testimony and analysis. Consumer

1 Plaintiffs will make expert disclosures and produce their expert reports pursuant to the schedule for
2 expert discovery set by the Court.

3 Consumer Plaintiffs further object to this Interrogatory to the extent that the Interrogatory
4 seeks information protected by the attorney-client privilege, common interest privilege, or work
5 product doctrine, or that is otherwise privileged or protected from discovery. Consumer Plaintiffs
6 further object to this Interrogatory to the extent that the Interrogatory seeks information that calls
7 for an ultimate legal conclusion.

8 Consumer Plaintiffs will meet-and-confer with Facebook regarding the timing of any
9 response, the subject matters covered by this Interrogatory, and the Interrogatory's scope.

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